



CERTIFICATE UNDER 37 CFR § 1.10 OF MAILING BY "EXPRESS MAIL"
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September 19, 2003

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By: SMB

Sarah M. Barnett

PATENT

Customer No. 22,852

Attorney Docket No. 7579.0001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:

Graham Edmund KELLY

Reissue Serial No.: 09/602,191

U.S. Patent No. 5,830,887

Filed: June 22, 2000

For: HEALTH SUPPLEMENTS CONTAINING
PHYTO-OESTROGENS, ANALOGUES
OR METABOLITES THEREOF

)
)
) Group Art Unit: 1623

)
) Examiner: Patrick T. Lewis

MAIL STOP AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97(d)

Pursuant to 37 C.F.R. §§ 1.56, Applicant brings to the attention of the Examiner the documents listed on the attached Form PTO 1449. This Information Disclosure Statement is being filed after the mailing date of a Final Action. Nonetheless, Applicant respectfully requests that the Examiner waive the rule and kindly consider this Information Disclosure Statement because of the Examiner's familiarity with this case and its related co-pending cases. If the Examiner declines to consider these references, Applicant respectfully requests that these papers be placed in the file pursuant to 37 C.F.R. § 1.97(i). Should the Examiner kindly consider this Information Disclosure Statement, Applicant authorizes the Office to deduct the fee of \$180.00 as specified by 37 C.F.R. § 1.17(p) from our Deposit Account No. 06-0916.

These documents are U.S. Patents and U.S. applications that are directly related to the pending application (as based on the same specification) or are possibly related by subject matter.

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To facilitate the Examiner's review of these documents and avoid the wasteful reproduction of specifications, Applicant submits only the claims issued or pending in cases based on the same specification (documents related to U.S. Patent No. 5,830,887). For documents that are not based on the same specification, e.g., U.S. Pat. No. 6,340,703 and application Serial Nos. 09/986,509; 09/254,026; 09/647,092; 09/914,035; and 10/070,361; Applicant provides the specification. Should the Examiner wish copies of any documents not provided here, please advise the undersigned at the number below.

| U.S. Patent or Application Number | Examiner | Finnegan Henderson Docket Number |
|---|---------------------------|----------------------------------|
| Documents related to U.S. Patent No. 5,830,887 | | |
| USSN 09/602,191 (Reissue of U.S. Patent 5,830,887) (this application) | Patrick T. Lewis | 7579.0001-00 |
| U.S. Pat. No. 6,562,380 B1 (USSN 08/910,837) | James O. Wilson | 7579.0005-00 |
| U.S. Pat. No. 6,497,906 B1 (USSN 09/547,100) | Patrick T. Lewis | 7579.0005-01 |
| USSN 09/421,069 | Patrick T. Lewis | 7579.0005-02 |
| USSN 10/274,371 | Patrick T. Lewis | 7579.0005-03 |
| USSN 10/611,087 | Not Yet Assigned | 7579.0005-04 |
| USSN 10/611,151 | Not Yet Assigned | 7579.0005-05 |
| Documents related to U.S. Patent No. 6,340,703 | | |
| U.S. Pat. No. 6,340,703 (USSN 09/077,590) | Edward J. Webman | 7579.0006-00 |
| USSN 09/986,509 | Edward J. Webman | 7579.0006-01 |
| Therapeutic Methods and Compositions Involving Isoflavones | | |
| USSN 09/254,026 | Jennifer M. Kim | 7579.0007-00 |
| Therapy of Estrogen-Associated Disorders | | |
| USSN 09/647,092 | Patricia A. Patten | 7579.0013-00 |
| USSN 10/459,537 | Not Yet Assigned | 7579.0013-01 |
| Cardiovascular and Bone Treatment Using Isoflavones | | |
| USSN 09/914,035 | Cybill Delacroix-Muirheid | 7579.0015-00 |
| USSN 10/600,004 | Not Yet Assigned | 7579.0015-01 |
| Compositions and Therapeutic Methods Involving Isoflavones and Analogues Thereof | | |
| USSN 10/070,361 | Ebenezer O. Sackey | 07579.0016-00 |

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| U.S. Patent or Application Number | Examiner | Finnegan Henderson Docket Number |
|--|------------------|-------------------------------------|
| Regulation of Lipids and/or Bone Density and Components Therefor | | |
| USSN 10/250,858 | Not Yet Assigned | 07579.0018-00 |

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form. Should the Examiner conclude that any of these claims form the basis of a rejection, the Examiner is invited to contact the undersigned.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

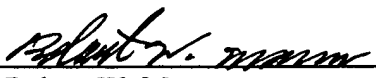
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

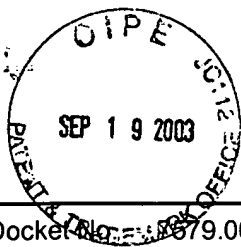
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 19, 2003

By: 
Robert W. Mann
Reg. No. 48,555

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INFORMATION DISCLOSURE CITATION

OMB No. 0651-0011

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|-------------------------------|-----------------------|
| Atty. Docket No. 09/602,191 | Appln. No. 09/602,191 |
| Applicant Graham Edmund KELLY | |
| Filing Date June 22, 2000 | Group: 1623 |

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| U.S. PATENT DOCUMENTS | | | | | | |
|-----------------------|----------------------------------|------------|---------------|-------|-----------|----------------------------|
| Examiner Initial* | Document Number | Issue Date | Name | Class | Sub Class | Filing Date If Appropriate |
| | USSN 09/254,026 (WO 98/08503) ✓ | | Kelly et al. | | | 08/29/1997 |
| | USSN 09/421,069 | | Kelly | | | 10/19/1999 |
| | USSN 09/647,092 (WO 99/48496) ✓ | | Kelly et al. | | | 03/26/1999 |
| | USSN 09/914,035 (WO 00/64438) ✓ | | Kelly et al. | | | 04/27/2000 |
| | USSN 09/986,509 | | Kelly | | | 11/09/2001 |
| | USSN 10/070,361 (WO 01/17986) ✓ | | Heaton et al. | | | 09/06/2000 |
| | USSN 10/274,371 | | Kelly | | | 10/21/2002 |
| | USSN 10/459,537 | | Kelly et al. | | | 06/12/2003 |
| | USSN 10/600,004 | | Kelly et al. | | | 06/18/2003 |
| | USSN 10/611,087 | | Kelly | | | 07/02/2003 |
| | USSN 10/611,151 | | Kelly | | | 07/02/2003 |
| | USSN 10/250,858 (WO 02/055072) ✓ | | Husband | | | 07/09/2003 |
| | 6,340,703 B1 | 01/22/2002 | Kelly | | | |
| | 6,497,906 B1 ✓ | 12/24/2002 | Kelly | | | |
| | 6,562,380 B1 | 05/13/2003 | Kelly | | | |

| | |
|---|-----------------|
| Examiner | Date Considered |
| *Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. | |
| Form PTO 1449 Patent and Trademark Office - U.S. Department of Commerce | |

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